

The well established general rule is that, absent extraordinary circumstances, the district court should not consider § 2255 motions while a direct appeal is pending. *See United States v. Weaver*, No. 97-6443, 1997 WL 468277, \*1 (4th Cir. 1997) (unpublished) (citing *Bowen v. Johnston*, 306 U.S. 19, 26-27 (1939)). Foster's motion fails to present extraordinary circumstances compelling this court to address his claims under § 2255 during the pendency of his direct appeal.

For these reasons, I will dismiss the § 2255 motion as premature without prejudice to Foster's right to file a § 2255 motion after disposition of his direct appeal. A separate Final Order will be entered herewith.

DATED: January 9, 2013

/s/ James P. Jones  
United States District Judge